

DOWNTOWN OVERLAY (2-TA-2003)

Note: This handout is limited to the text affected by the amendment (excluding items changed solely by renumbering).

Text format conventions:

- **CHANGES APPROVED BY COUNCIL 12-09-03; EFFECTIVE 01-09-04**
- Previous language
- ~~Deleted Previous Language~~

Sec. 5.3000. (D) DOWNTOWN DISTRICT.

Sec. 5.3002. Conflict with other sections.

Where there is conflict between these D downtown district provisions and other sections of the zoning ordinance, these D (downtown) district regulations (sections 5.3000 through 5.3090) shall govern development within the D downtown district except where specifically superceded by the Downtown Overlay (DO).

Sec. 6.1200. (DO) DOWNTOWN OVERLAY.

Sec. 6.1201. Purpose.

The primary purpose of the downtown overlay district is to create new opportunities for the development or expansion of properties that do not have (D) Downtown zoning. The **(DO)** Downtown Overlay also provides additional regulations for properties with and without downtown zoning. Specific objectives of the downtown overlay include:

- A. Provide incentives for **NEW BUILDINGS, REMODELS, FOR BUILDINGS WITH NEW TENANTS, OR FOR BUILDING AREA** expansions of smaller downtown businesses.

Sec. 6.1202. Conflict with other sections.

Where there is conflict between these (DO) Downtown Overlay district provisions and other sections of the zoning ordinance, these district regulations (Sections 6.1200 through 6.120709) shall govern development within the **(DO)** Downtown Overlay district.

Properties with (D) downtown district zoning shall not be subject to these **(DO) DOWNTOWN OVERLAY DISTRICT** regulations except for the following requirements: regulation of bars/nightclubs, after hours establishments, regulation of tattoo and related businesses, provision of parking, and parking waivers.

Sec. 6.12403. Definitions.

~~After hours establishment: includes any business which is open to patrons during the hours of 1:00 a.m. to 6:00 a.m. which is the business premises of a state on-sale retail liquor licensee and where dancing or live entertainment may occur.~~

~~Bar service area: includes the floor areas under indoor and outdoor bars and the floor area behind the bar used for the storage, preparation and serving of food or drinks.~~

~~Kitchen: includes only those areas used for the preparation and cooking of food and dishwashing, and not refrigerators or areas for the storage of food or beverages.~~

SEC. 6.12204. Approvals required.

No structure except a detached single-family dwelling shall be built or altered without development review board approval to be obtained as prescribed in Article I, Section 1.900. All development shall be consistent with the City's Urban Design and Architectural Guidelines.

Sec. 6.12305. Land use standards.

- A. Land uses that are regulated through the **(DO)** Downtown Overlay are shown in Schedule A. Land uses that are not listed in schedule a are regulated by the underlying zoning categories. Land uses that are regulated by the **(DO)** Downtown Overlay are allowed at the following levels of permitted activity:

"P"	--Permitted without conditions.
"L"	--Permitted with limitations to size or use characteristics as described in land use classifications (Section 6.124006).
"CU"	--Permitted with a Conditional Use Permit,
"N"	--Not permitted

Schedule A
Land Use Regulation For The (DO) Downtown Overlay District

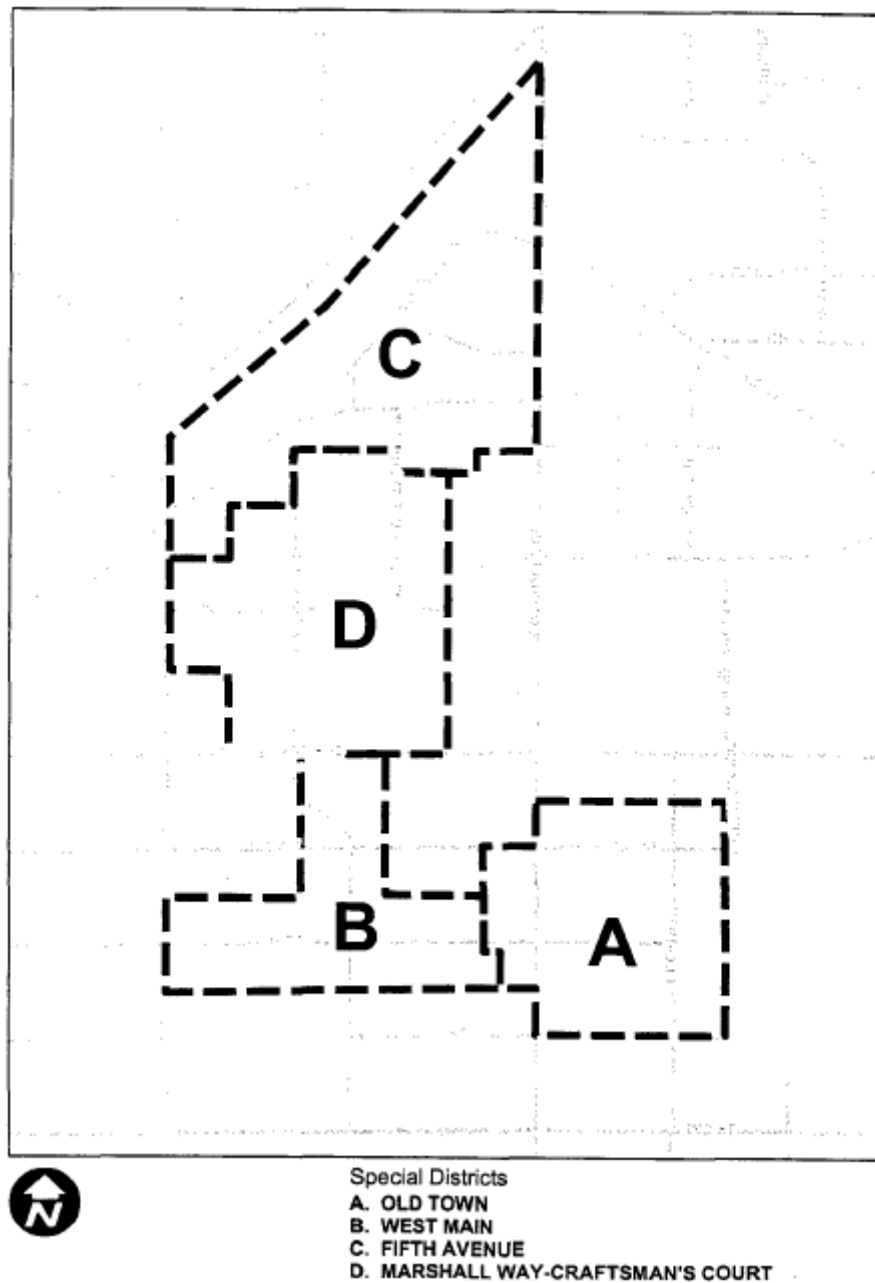
Use classifications	
<i>Residential</i>	
Multifamily residential (3)	P
Single-family residential (1)	L (1)
<i>Commercial</i>	
After hours establishments. (SEE SEC. 1.403 FOR CRITERIA.)	CU
Bars(2), except for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning. (SEE SEC. 1.403 FOR CRITERIA.)	CU
Bars(2), for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning.	N
Drive-through and drive-in restaurants	N
Tattoo and related businesses, except for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning. (SEE SEC. 6.1205.B. FOR CRITERIA.)	CU
Tattoo and related businesses, for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning	N

(1) Cannot occupy more than twenty-five (25) percent of the first-floor floor area and cannot be located along street frontages on the first floor.

(2) Commercial use classification as set in ~~Sec. 6.124206.B.2.~~

(3) SHALL NOT OCCUPY THE FIRST FLOOR IN SPECIAL DISTRICT TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS AND IDENTIFIED BY FIGURE 6.1.

**FIGURE 6.1 SPECIAL DISTRICTS TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN
URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS.**



- B. Uses permitted by Conditional Use Permit under this section ~~must~~ **SHALL** meet the use permit criteria as specified in ~~Section 1.400 Conditional Use Permits~~ and the following additional criteria:

1. ~~Bars, after hours establishments~~

- A. ~~Use will not disrupt existing balance of daytime and nighttime uses.~~
 B. ~~Use will not disrupt pedestrian-oriented daytime activities.~~

- ~~C. Use will not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use will promote diversity of first floor uses along the street.~~
- ~~D. An active management and security plan shall be maintained for the business~~
- ~~E. Use shall not adversely impact existing adjacent properties for residential uses.~~
- ~~F. Applicant shall demonstrate how noise and light generated by the use will be mitigated.~~
- ~~G. Applicant shall demonstrate that the use will not exceed capacity for traffic and parking in the area.~~
- ~~H. Required parking for the use shall be within 600 feet of the property and shall not be separated from the property by an arterial street.~~
- ~~I. After hours establishments must maintain a valid after hours establishment license.~~

Sec. 6.12406. Land use classifications.

~~Sec. 6.1241.~~ **A.** Residential use classifications.

- ~~A.~~ 1. Multifamily residential: two (2) or more dwelling units on a lot.
- ~~B.~~ 2. Single-family residential: one (1) dwelling unit on a lot.

~~Sec. 6.1242.~~ **B.** Commercial use classifications.

- ~~A.~~ 1. After hour establishments.: ~~after hours establishments will be required to obtain a use permit as specified in Section 1.400 Conditional Use Permits.~~
- ~~B.~~ 2. **BarS AND COCKTAIL LOUNGES.**: ~~any business that offers alcoholic beverages for sale, is not an accessory use to a hotel, and meets any of the following criteria:~~
 - ~~1. The bar service area is in excess of fifteen (15)% of the gross floor area.~~
 - ~~2. The kitchen is less than fifteen (15)% of the gross floor area.~~
 - ~~3. Age verification is requested for admittance.~~
 - ~~4. A cover charge is required for admittance, except for special events as permitted through the city's special event permit process.~~
 - ~~5. Less than forty (40) percent of gross revenues are derived from the sale of prepared food.~~
 - ~~6. The business remains open and liquor sales continue but the full kitchen closes before nine (9) pm.~~

Taverns, nightclubs and lounges shall be classified as bars if they meet the definition.

- ~~C.~~ 3. Restaurant.: ~~a business where the primary activity is the preparation, cooking and service of food. An establishment that meets the criteria for a bar shall be classified as such.~~
- ~~D.~~ 4. Tattoo and related businesses.

Sec. 6.12507. Site development standards.

- A. For municipal uses that require a Municipal Use Master Plan, the City Council ~~can~~ **MAY** modify the property development standards of the underlying zoning district.
- B. Schedule B prescribes development standards applicable to the (DO) Downtown Overlay district. References in the additional regulations column refer to regulations located elsewhere in the Zoning Ordinance.

Schedule B
Site Development Standards

I. Development requirements within THE (DO) DOWNTOWN Overlay (all {non- (D) Downtown zoned} zoning districts)			Additional regulations
1.	Floor area ratio (FAR)	0.8	
	A. FAR bonus maximum	0.5	Section 6.1270
	Total maximum FAR (excluding residential)	1.3	
2.	Building Volume	No maximum	
3.	Open Space	Same as existing. NONE REQUIRED AND THE SITE DEVELOPMENT SHALL DEMONSTRATE CONFORMANCE TO THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES.	

II. Site requirements within (DO) DOWNTOWN overlay (all zoning districts)			
1.	Minimum site area	None required	
2.	Minimum front building setback	16 feet from planned curb	Sections 6.1254 07.C.2 b and 6.1254 07.C.3. c
3.	Minimum interior side building setback	None.	
4.	Minimum corner side building setback	16 feet from planned curb	
5.	Minimum rear building setback	Minimum of 50 feet when adjacent to single-family residential DISTRICTS , and minimum of 25 feet when adjacent to multi-family residential DISTRICTS . No minimum in all other instances except as required for off-street loading and trash storage.	

III. Building design requirements (ALL (NON-(D) DOWNTOWN ZONED) ZONING DISTRICTS)		Properties with (S-R) Service Residential zoning	All other zoning districts
1.	Height maximum (all uses)	18 26 feet in sr districts, 36 feet in all other districts.	36 FEET
2.	Building envelope, starting at a point 26 feet above the building setback line, the inclined stepback plane slopes at:	--DOES NOT APPLY	2:1 on the front, and 1:1 on the other sides of a property

IV. Residential density (all zoning districts)		
1.	Maximum residential density	23 dwelling units per gross acre

C. ~~Sec. 6.1254.~~ Additional regulations.

1. ~~A.~~—Spacing between two (2) buildings on the same site shall be not less than ten (10) percent of the larger building's two (2) longest adjacent sides at the space (e.g. Front and side).
2. ~~B.~~—Where existing setbacks on forty (40) percent or more of a block face are less than the specified setback, the required setback on a site to be developed shall be the average setback of the developed portion of the block face. Section 7.201 (adjustment of front yard requirements) shall not apply.
3. ~~C.~~—Buildings fronting on Camelback Road, Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the Downtown Overlay district boundary, shall be setback forty (40) feet from the planned curb line. Buildings fronting on Drinkwater Boulevard and Goldwater Boulevard shall be setback thirty (30) feet from the planned curb line. **THE REGULATIONS OF SECTION 5.3062 SHALL ALSO APPLY TO THESE FRONT SETBACKS.**
4. ~~FOR AREAS LOCATED IN SPECIAL DISTRICT TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS AND IDENTIFIED BY FIGURE 6.1, BUILDING HEIGHTS MAY BE INCREASED BEYOND 36 FEET BY CITY COUNCIL APPROVAL BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL THE MEMBERS OF THE CITY COUNCIL. IF ANY OF THE MEMBERS OF THE CITY COUNCIL ARE UNABLE TO VOTE BECAUSE OF A CONFLICT OF INTEREST, THEN THE REQUIRED NUMBER OF VOTES FOR PASSAGE SHALL BE THREE-FOURTHS OF THE REMAINING MEMBERSHIP OF THE CITY COUNCIL, PROVIDED THAT SUCH REQUIRED NUMBER OF VOTES SHALL IN NO EVENT BE LESS THAN A MAJORITY OF THE FULL MEMBERSHIP OF THE CITY COUNCIL.~~

Sec. 6.12608. Parking regulations.

The provisions of Article IX shall apply except for the following provisions:

COMMERCIAL/RETAIL SERVICE USES	PARKING SPACES REQUIRED
Banks/financial/civic offices	One (1) space per three hundred (300) square feet of gross floor area.
Bars, taverns, nightclubs, lounges	One (1) space per eighty (80) square feet of gross floor area. One (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet.
Establishments with live entertainment	One (1) space per eighty (80) square feet of gross floor area, plus one (1) space which is available to the live entertainment establishment between 8 p.m. and 2 a.m. per twenty five (25) square feet of gross floor area.
Freestanding stores	One (1) space per three hundred (300) square feet of gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet of gross floor area.

Personal services	One (1) space per three hundred (300) square feet of gross floor area.
Restaurants	One (1) parking space for each one hundred and twenty (120) square feet of gross floor area. One (1) space for each three hundred and fifty (350) square feet of outdoor public floor area. Exclude the first three hundred and fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
Restaurants that serve breakfast and lunch only	One (1) parking space for each two hundred and fifty (250) square feet of gross floor area. One (1) space for each three hundred fifty (350) square feet of outdoor public floor area. Exclude the first three hundred fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
LIVE PERFORMING ARTS THEATERS	ONE (1) PARKING SPACE PER TEN (10) SEATS.
All other uses	As specified in Article IX.

Sec. 6.12709. Revitalization bonus/incentive provisions.

- A. Purpose: the bonus provisions make available incentives for private sector participation in pursuing revitalization of downtown properties.
- B. Bonus: the development review board may approve a bonus of up to 0.5 floor area ratio when it is demonstrated that:
 - 1. The bonus is for retail, office and personal services **USES ALLOWED IN THE UNDERLYING DISTRICT.**
 - 2. Existing structures on the property are renovated or remodeled in conjunction with the bonus **NEW BUILDINGS, REMODELS, FOR BUILDINGS WITH NEW TENANTS, OR FOR BUILDING AREA** expansion.
 - 3. THAT A NEW BUILDING IS BEING CONSTRUCTED.**
- C. **PROCESS FOR** bonus floor area or bonus FAR:
 - 1. An application for bonus floor area shall be submitted with the application for Development Review, and shall include appropriate documents and identify features of the project that qualify for the bonus floor area. As with properties rezoned to Downtown, the bonus shall equal the total floor area on the site, determined on the basis of space used, but shall not exceed the maximum permitted by the FAR ratios in Section 6.125007, Schedule B. In large projects with bonus floor area for residential space, each phase of construction must contain an equal proportion of residential **AND NON-RESIDENTIAL** space, unless the Current Planning Services Director finds that requirement is infeasible because of the building design. The height and floor area ratio bonuses shall not apply to specialized health care facilities and minimal health care facilities.
 - ~~D-2.~~ Approval for FAR greater than allowed by the ordinance: the City Council shall have the authority to review and consider a request to exceed the maximum FAR allowed in Section 6.125007, **SCHEDULE B** upon finding that the increased FAR is appropriate and compatible with the surrounding area. Requests ~~should~~ **SHALL** be subject to all public notice and

community involvement requirements pertinent to the public hearing ~~rezoning~~ process **OF SECTION 1.702. See section 6.118.**

3. THIS BONUS SHALL BE AVAILABLE ON A CUMULATIVE BASIS. THE APPLICATION FOR BONUS FLOOR AREA RATIO AFTER THE FIRST APPLICATION, AND ANY SUBSEQUENT APPLICATION THEREAFTER, SHALL CONTAIN THE DOCUMENTATION OF ANY PREVIOUS APPROVALS AND SHALL INCLUDE ANALYSIS OF HOW THE CUMULATIVE TOTAL 0.5 BONUS FAR IS NOT BEING EXCEEDED.

Article IX. Parking and loading requirements.

Sec. 9.104. Programs and incentives to reduce parking requirements.

The following programs and incentives are provided to reduce parking requirements in the locations and situations outlined herein where the basic parking requirements of this ordinance would be excessive or detrimental to goals and policies of the city relating to mass transit and other alternative modes of transportation.

- A. Administration of parking reductions. Programs and incentives which reduce parking requirements may be applied individually or jointly to properties and developments. Where reductions are allowed, the number of required parking spaces which are eliminated shall be accounted for both in total and by the individual program, incentive or credit which is applied. The record of such reductions shall be kept on the site plan within the project review file. Additionally, the reduction and manner in which they are applied shall be transmitted in writing to the property owner.
- B. Credit for on-street parking. Wherever on-street angle parking is provided in the improvement of a street, credit toward on-site parking requirements shall be granted at the rate of one (1) on-site space per every twenty-five (25) feet of frontage, excluding the following:
 - 1. Frontage on an arterial, major arterial or expressway as designated by the street classification plan.
 - 2. Frontage on a street that is planned to be less than fifty-five (55) feet wide curb-to-curb.
 - 3. Frontage within twenty (20) feet of a corner.
 - 4. Frontage within ten (10) feet of each side of a driveway or alley.
~~The bonus shall not exceed the maximum permitted by the far ratios in section 6.1250, schedule b.~~
 - 5. Frontage within a fire hydrant zone or other emergency access zone.
 - 6. Locations within the (D) Downtown zoning district.
 - 7. Locations within the (DO) Downtown Overlay.
- C. Credit for bicycle parking facilities.
 - 1. Purpose. The City of Scottsdale, in keeping with the federal and Maricopa County Clean Air Acts, wishes to encourage the use of alternative transportation modes such as the bicycle instead of the private automobile. Reducing the

number of vehicular parking spaces in favor of bicycle parking spaces helps to attain the standards of the Clean Air Act, to reduce impervious surfaces, and to save on land and development costs.

2. Performance standards. The City Manager or designee may authorize credit towards on-site parking requirements for all uses except residential uses, for the provision of bicycle facilities beyond those required by this ordinance, subject to the following guidelines:

- a. Wherever bicycle parking is provided beyond the amount required per section 9.103.B, required bicycle parking, credit toward required on-site vehicular parking may be granted pursuant to the following:

- ~~(4)~~i. Downtown (D) zoning districts: one (1) vehicular space per eight (8) bicycle spaces.

- ~~(2)~~ii. All other zoning districts: one (1) vehicular space per ten (10) bicycle spaces.

- b. Wherever bicycle parking facilities exceed the minimum security level required per section 9.103.B, required bicycle parking, credit towards required onsite vehicular parking may be granted at a rate of one (1) vehicular space per every four (4) high-security bicycle spaces.

High-security bicycle spaces shall include those which protect against the theft of the entire bicycle and of its components and accessories by enclosure through the use of bicycle lockers, check-in facilities, monitored parking areas, or other means which provide the above level of security as approved by the City Manager or designee.

- c. Wherever shower and changing facilities for bicyclists are provided, credit towards required on-site vehicular parking may be granted at the rate of two (2) vehicular spaces per one (1) shower.

- d. The number of vehicular spaces required per table 9.2 shall not be reduced by more than five (5) percent or ten (10) spaces, whichever is less.

- D. Credit for participation in a joint parking improvement project. After the effective date of this ordinance, no new joint parking improvement projects shall be designated in the City of Scottsdale. Existing joint parking improvement projects may continue to exist, subject to the standards under which they were established.

The joint parking improvement project was a program through which a group of owners with mixed land uses including an area of more than three (3) blocks and at least six (6) separate ownerships could join together on a voluntary basis to form a parking improvement district, providing parking spaces equal to a minimum of thirty (30) percent of their combined requirements according to the ordinance under which they were established. Each participant property could have received credit for one and one-half (1 1/2) times his proportioned share of the parking spaces provided. The project required that a statement be filed with the superintendent of buildings stating the number of spaces assigned to each participating property. No adjustments were to be permitted subsequent to the filing of this statement.

- E. Mixed-use shared parking programs.

1. Purpose. A mixed-use shared parking program is presented as an option to reduce the total required parking in large mixed-use facilities in which the uses

operate at different times from one another throughout the day (mixed-use facilities are defined in article III, definitions). The city recognizes that strict application of the required parking ratios may result in the provision of excessive numbers of parking spaces. This results in excessive pavement and impermeable surfaces and discourages the use of alternate transportation modes. A mixed-use shared parking program allows the property developer to use parking spaces more efficiently by allowing the same spaces to be "shared" by various land uses.

2. Applicability. The mixed-use shared parking program may be applied for where mixed-uses are proposed. The applicant may choose this option or may opt to prepare a parking master plan pursuant to 9.104.F, parking master plan.
3. Procedure.
 - a. When a parking plan is required as part of any site plan review or permitting procedure, a mixed-use shared parking program may be requested by the applicant at the same time.
 - b. The mixed-use shared parking program may also be requested exclusive of any other site plan review or permitting procedure.
 - c. Mixed use shared parking plans shall be reviewed by, and are subject to the approval of, the City Manager or designee.
 - d. Alternatively, the applicant may elect to have the shared parking plan reviewed by, and subject to the approval of, the City Council in a public hearing.
 - e. For changes of use in mixed-use projects (as defined in article III, definitions) the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.
4. Limitations on mixed-use shared parking. The total number of parking spaces required by table 9.2 shall not be reduced by more than twenty (20) percent.
5. Performance standards. The City Manager or designee may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing on-site parking subject to the following criteria:
 - a. The respective hours of operation of the uses do not overlap, as demonstrated by the application on table 9.3, schedule of shared parking calculations. If one or all of the land uses proposing to use joint parking facilities do not conform to one of the general land use classifications in table 9.3, schedule of shared parking calculations, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses. Such data may include information from a professional publication such as those published by the institute of transportation engineers (ITE) or the urban land institute (ULI), or by a professionally prepared parking study.
 - b. A parking plan shall be submitted for approval which shall show the layout of proposed parking.
 - c. The property owners involved in the joint use of on-site parking facilities shall submit a written agreement approved by the city attorney requiring that the parking spaces shall be maintained as long as the uses requiring

parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such written agreement shall be recorded by the property owner with the Maricopa County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

Table 9.3. Schedule of Shared Parking Calculations

General Land Use Classification		Weekdays		Weekends		
	Mid.-7:00	7:00 am.. pm	6:00 pm	Mid-	7:00 am	6:00
	am	6:00 pm	Mid.	7:00 am	6:00 pm	Mid
Office and industrial	5%	100%	5%	0%	60 %	10%
Retail	0%	100%	80%	0%	100%	60%
Residential	100%	55%	85%	100%	65%	75%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Cinema/theater	0%	70%	100%	5%	70%	100%

How to use the schedule of shared parking. Calculate the number of spaces required for each use if it were free-standing (refer to the schedule of minimum on-site parking requirements). Applying the applicable general land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period, (six (6) time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.

F. Parking master plan.

1. Purpose. A parking master plan is presented as an option to promote the safe and efficient design of parking facilities for sites larger than two (2) acres or those downtown district/retail specialty uses larger than sixty thousand (60,000) square feet. The city recognizes that strict application of the required parking standards or ratios may result in the provision of parking facilities of excessive size or numbers of parking spaces. This results in excessive pavement and impermeable surfaces and may discourage the use of alternate transportation modes. A parking master plan allows the property developer to establish a more efficient parking scheme through the following requirements.
2. Applicability. The parking master plan is appropriate to alleviate problems of reuse and is also applicable as an alternative to the above mixed-use shared parking programs.
3. Procedure.
 - a. When a parking plan is required as part of any site plan review or permitting procedure, the parking master plan may be requested by the applicant at the same time.
 - b. The parking master plan may also be requested exclusive of any other site plan review or permitting procedure.

- c. Parking master plans shall be reviewed by, and are subject to the approval of, the City Manager or designee.
 - d. For changes of use in mixed-use projects (as defined in article III, definitions) the applicant must demonstrate that parking necessary for the new mix of uses does not exceed the amount which was required by the previous mix of uses.
- 4. Limitations on parking master plans. The City Manager or designee shall only permit reductions of up to twenty (20) percent of the total parking required per table 9.2. Reductions of more than twenty (20) percent of required parking shall be subject to approval by the City Council.
- 5. Elements of a parking master plan. The parking master plan shall contain the following:
 - a. A plan, which graphically depicts where the spaces and parking structures are to be located.
 - b. A report, which demonstrates how everything shown on the plan complies with or varies from applicable standards and procedures of the city.
 - c. The plan shall show all entrances and exits for any structured parking and the relationship between parking lots or structures and the circulation master plan.
 - d. The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types including passenger vehicles, trucks, vehicles for mobility impaired persons, buses, other transit vehicles and bicycles.
 - e. The plan, supported by the report, shall include phasing plans for the construction of parking facilities and any interim facilities planned.
 - f. Whenever the applicant requests any reductions in the number of required parking spaces as provided for in this ordinance, the required report shall be prepared by a registered civil engineer licensed to practice in the State of Arizona and shall document how any reductions were calculated and upon what assumptions such calculations were based.
 - g. Parking ratios used within the report shall be based upon uses or categories of uses already listed within table 9.2, schedule of parking requirements. If the use is not listed in table 9.2, then the applicant may request an ordinance amendment to table 9.2 rather than a variance from its standards.
 - h. Such other information as is determined by the reviewing authority to be necessary to process the parking master plan.
- 6. Performance standards. Parking shall comply with the requirements of the zoning ordinance as amended except where application of the following criteria can show that a modification of the standards is warranted. This shall be determined by the City Manager or designee pending his or her review of the materials described in subsection 5. above.
 - a. The parking master plan shall provide sufficient number and types of

spaces to serve the uses identified on the site.

- b. Adequate provisions shall be made for the safety of all parking facility users, including motorists, bicyclists and pedestrians.
- c. Parking master plans shall be designed to minimize or alleviate traffic problems.
- d. Parking spaces shall be located near the uses they are intended to serve.
- e. Adequate on-site parking shall be provided during each phase of development of the district.
- f. The plan shall provide opportunities for shared parking or for other reductions in trip generation through the adoption of transportation demand management (TDM) techniques to reduce trip generation, such as car pools, van pools, bicycles, employer transit subsidies, compressed work hours, and high occupancy vehicle (HOV) parking preference.
- g. Surfacing of the lot shall be dust-proof, as provided by section 9.106.C.1.a.2.
- h. The parking master plan shall attempt to reduce environmental problems and to further the city's compliance with the federal Clean Air Act amendments of 1990 through appropriate site planning techniques, such as but not limited to reduced impervious surfaces and pedestrian connections.
- i. Compliance with the federal Clean Air Act amendments of 1990 shall be considered.
- j. Reductions in the number of parking spaces should be related to significant factors such as, but not limited to:
 - (1) Shared parking opportunities;
 - (2) Hours of operation;
 - (3) The availability and incorporation of transit services and facilities;
 - (4) Opportunities for reduced trip generation. Through pedestrian circulation between mixed-uses (as defined in article III, definitions);
 - (5) Off-site traffic mitigation measures;
 - (6) Recognized variations in standards due to the scale of the facilities;
 - (7) Parking demand for a specified use; and
 - (8) The provisions of accessible parking spaces beyond those required per section 9.105.
- k. Reductions in the number of parking spaces for neighborhood-oriented uses may be granted at a rate of one (1) space for every existing or

planned residential unit located within two (2) blocks of the proposed use, and one-half (0.5) space for every existing or planned residential unit located within four (4) blocks of the proposed use.

7. Approval. The property owner involved in the parking master plan shall submit a written agreement approved by the city attorney requiring that the parking facility and any associated transportation demand management (TDM) techniques shall be maintained without alteration unless such alteration is authorized by the City Manager or designee. Such written agreement shall be recorded by the property owner with the Maricopa County Recorder's Office prior to the issuance of a building permit, and a copy filed in the project review file.

G. Valet parking. Reserved.

H. ~~Credits within the~~ (DO) Downtown Overlay district **PROGRAM.**

1. Purpose. This parking ~~credit~~ program will ease the process of calculating parking supply for new buildings, remodels, or for buildings with new tenants **OR NEW BUILDING AREA.**

THIS PARKING PROGRAM CONSISTS OF TWO ELEMENTS: PARKING REQUIRED AND PARKING WAIVER.

2. ~~Method Of Calculation.~~ **THE AMOUNT OF PARKING REQUIRED SHALL BE:**

- a. ~~A. All properties shall be granted parking credits that equal the parking requirements of the current use, or the most recent use if the building or property is vacant. IF THERE IS NO CHANGE OF INTENSITY OF USE ON ANY LOT THAT HAS A LEGAL USE EXISTING AT THE DATE OF THIS ORDINANCE ADOPTION, NO ADDITIONAL PARKING SHALL BE REQUIRED.~~

~~B.b.~~ Parking credits.

- i. ~~granted~~ **PARKING CREDITS** under this program shall be only for the parking demand that is not met through **PERMANENT** on-site parking, **PARKING** improvement districts, or remote parking. **PERMANENT PARKING IN-LIEU CREDITS. ONLY THESE PARKING CREDITS SHALL CARRY FORWARD WITH ANY LOT THAT HAS PARKING CREDITS AT THE TIME OF THIS ORDINANCE ADOPTION.**
 - ii. **THIS (DO) DOWNTOWN ORDINANCE DOES NOT VOID PUBLIC AGREEMENTS FOR PARKING PAYMENTS OF ANY TYPE OF PARKING PROGRAM THAT WAS ESTABLISHED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.**
 - iii. ~~D. Any credits~~ **PARKING IMPROVEMENT DISTRICT OR PERMANENT PARKING IN-LIEU CREDITS** that the property LOT has that are in excess of the current parking demand ~~will~~ **SHALL** remain with the property LOT.
 - iv. ~~C. Property owners are still required to pay for any public or private program that allowed them to meet the parking requirements of the current use.~~
 - v. ~~E. Properties with P-3 Parking district zoning shall have the option of using this method of calculating parking credits, or to use the credits provided by the P-3 Parking district.~~
- c. **PARKING FOR INCREASE IN INTENSITY IN USE NOT OTHERWISE ALLOWED OR FOR ADDITIONAL FLOOR AREA SHALL PROVIDE PARKING IN CONFORMANCE WITH THIS (DO) DOWNTOWN OVERLAY DISTRICT PROGRAM PARKING CREDITS AND WAIVER, AND THE PARKING PROVISIONS IN SECTION 6.1208 AND ARTICLE IX.**

~~B~~3. Parking waiver within the (DO) Downtown Overlay district.

~~4~~**a.** Purpose. This parking waiver is designed to act as an incentive for the **NEW BUILDINGS, REMODELS, OR FOR BUILDINGS WITH NEW TENANTS, AND FOR BUILDING AREA** expansion of smaller downtown businesses, whose expansion will have a minimal impact on parking demand.

~~2~~**b.** Applicability. Upon application, property owners may have parking requirements waived if they meet the following criteria:

~~A~~**i.** Are within the (DO) Downtown Overlay district.

~~B~~**ii.** Are used for retail, office or personal services **USES ALLOWED IN THE UNDERLYING DISTRICT.**

~~C.~~ Have a lot size of 12,000 net square feet or less.

~~3~~**c.** Limitations on this parking waiver.

~~A~~**i.** Can be used only once **PER INDIVIDUAL LOT EXISTING AT THE EFFECTIVE DATE OF THIS ORDINANCE.**

~~B~~**ii.** Can only be used on first and second floors.

~~C~~**iii.** Can be used for retail, office or personal services **USES ALLOWED IN THE UNDERLYING DISTRICT.**

~~D~~**iv.** Is limited to a maximum of 2,000 square feet of **NEW** building, **OR BUILDING AREA EXPANSION** size.

~~E~~**v.** Cannot be used on land that was used for parking in the past two years **UNLESS THE SAME NUMBER OF PHYSICAL PARKING SPACES ARE REPLACED ELSEWHERE.**

~~D~~**d.** Residential addition parking waiver - this parking waiver is designed to act as an incentive for the integration of one or more residential units as part of a business expansion of a maximum of 2,000 total square feet. One parking space will be required per residential unit, this parking can be reallocated from on site existing parking corresponding to other uses.

Sec. 9.108. Special parking requirements in districts.

A. Planned regional center. The provisions of article IX shall apply with the following exceptions:

1. There shall be no parking required for courtyards or other open spaces, except that those portions thereof used for sales or service activities shall provide parking as specified elsewhere by this ordinance.
2. Parking for dwellings shall be covered.

B. Western theme park district. The provisions of article IX shall apply with the following exceptions:

1. The number of spaces required in table 9.2 may be proportionately reduced by the provision of bus parking. Bus parking provided in lieu of automobile parking spaces may account for a maximum reduction of fifty (50) percent of the spaces

required in table 9.2.

2. If any bus parking is provided in lieu of automobile parking spaces, one (1) overflow automobile parking space shall be provided for each twenty-five (25) persons for whom seating is provided as indicated on the approved development plan.

C. Downtown Overlay (DO) district (parking in-lieu only) and Downtown (D) districts.

1. Parking requirements. Parking capacity shall satisfy the requirements of the land uses served, and can be provided by any of the following options: on-site parking, remote parking, parking in-lieu payments, or evening-use parking credits, these standards shall not be subject to variances.
2. Parking in-lieu payments. A parking requirement for nonresidential uses may be met by a parking in-lieu payment to the downtown parking fund and shall be used for the operation of a downtown parking program which may include, but is not linked to, the provision and maintenance of public parking spaces, the operation of tram shuttle services linking public parking facilities and downtown activity centers, and services related to the management and regulations of public parking. The city shall not be obligated to provide more than twenty (20) such spaces without the express approval of the City Council. Fractional parking requirements may be paid for on a pro rata basis. The amount of the in-lieu fee shall be established by the City Council, and may include penalties for late payment. Parking in-lieu credits may be purchased either as permanent parking credits, or as impermanent parking credits in accordance with the following:

- a. Permanent parking in-lieu credits: parking space credits purchased under this permanent in-lieu option shall be permanently credited to the property. These parking credits may be purchased either by installment payments to the city over a fixed period of time, or by payment of a lump sum fee.

Under the lump sum purchase option, purchase shall be made by payment the total fee in the manner described herein. The installment purchase option shall require an initial cash deposit and a written agreement binding the applicant to make subsequent monthly installment payments. The installment purchase agreement shall not create a payment term longer than fifteen (15) years, and shall include payment procedures adopted by the planning and community development department. Payment of the lump sum in-lieu fee or payment of the installment purchase deposit and execution by both parties of the installment purchase agreement, shall be completed prior to the issuance of a building permit of one is required, or to the issuance of a certificate of occupancy.

- b. Monthly parking in-lieu credits: Parking credits obtained by payment of a monthly in-lieu fee under this option are only for the term of the activity requiring the parking and are not permanently credited to the property. Properties must first possess a minimum of four and one-half (4 1/2) parking spaces per one thousand (1,000) square feet of net floor area of building, and may thereafter subscribe for additional required parking spaces by paying the monthly in-lieu fee. Payments shall be made in accordance with a written agreement and procedures adopted by the planning and community development department. The first monthly payment shall be made prior to issuance of a certificate of occupancy for the business for whose benefit the monthly payments are made.

3. FAR bonus for underground and on-site structure parking. A maximum FAR bonus of three-tenths (0.3) is available subject to the following:
 - a. In a type 1 area, eighty (80) percent of the required parking is in a shared structure parking.
 - b. In a type 2 area, ninety (90) percent of the required parking is underground.

Where shared structure parking is underground parking provided by a project is less than stipulated above, the FAR bonus shall be adjusted downward on a pro rata basis.

Parking in-lieu payments may be utilized to satisfy shared structure parking or underground parking incentives on a space per space basis.

4. Evening-use parking. Establishments conducting business between the hours of 5:00 p.m. and 3:00 a.m. qualify for evening-use parking credits for parking spaces identified to be vacant during those hours, subject to the following requirements:
 - a. Application for evening use parking credits shall be through the use permit process and shall be made by the property owner on behalf of the establishment requiring the parking credits.
 - b. Before qualifying for evening use parking credits, a property must possess a minimum of four and one-half (4 1/2) parking spaces per one thousand (1,000) square feet of net building area, on-site or by one (1) of the means provided for in paragraph c.(3) below.
 - c. Evening-use parking credits may be granted for spaces provided from one (1) or more of the following sources:
 - ~~(1)~~*i*. Same-site: Parking spaces on the same property which are unutilized during the designated evening hours.
 - ~~(2)~~*ii*. Adjacent or nearby site: Unutilized parking spaces on adjacent or near-by properties which meet the requirements of this section and 9.107.C. and D.
 - ~~(3)~~*iii*. Public on-street and on-site spaces: After exhausting available "same-site" evening-use parking credits, additional credits may be sought using unutilized public on-street and on-site parking spaces, subject to the following requirements:
 - ~~(a)~~**(1)**. The use permit application shall be accompanied by an analysis, acceptable to the City Manager or his designee, establishing the availability and location of the unutilized public parking spaces for which evening-use parking credits are being sought.
 - ~~(b)~~**(2)**. The maximum number of evening-use parking credits is limited to twenty (20) parking spaces or to fifty (50) percent of the "base minimum" parking requirement ascribed to the property, whichever is less, for which a monthly fee established by City Council will be charged and deposited in a downtown parking fund.

- d. The application shall provide a plan acceptable to the City Manager or his designee for the security and maintenance of the parking areas and their environs in a neat and orderly condition, and shall demonstrate that the areas meet the lighting requirements of section 7.600.